

in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 189 of this title. The Office may direct that private sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

**(b) Confidentiality of test results**

The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

**(c) Fees**

Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

**(d) Use of fees**

Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

(Pub. L. 107–296, title XVIII, § 1804, as added Pub. L. 109–347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1934.)

REFERENCES IN TEXT

Section 592 of this title, referred to in subsec. (a), was in the original “section 1802”, and was translated as meaning section 1802(a) of Pub. L. 107–296 as added by Pub. L. 109–347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1932, to reflect the probable intent of Congress.

CODIFICATION

Another section 1804 of Pub. L. 107–296 is classified to section 574 of this title.

**§ 595. Relationship to other Department entities and Federal agencies**

The authority of the Director under this subchapter shall not affect the authorities or responsibilities of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.

(Pub. L. 107–296, title XVIII, § 1805, as added Pub. L. 109–347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1934.)

CODIFICATION

Another section 1805 of Pub. L. 107–296 is classified to section 575 of this title.

**§ 596. Contracting and grant making authorities**

The Secretary, acting through the Director for Domestic Nuclear Detection, in carrying out the responsibilities under paragraphs (6) and (7) of section 592(a) of this title, shall—

(1) operate extramural and intramural programs and distribute funds through grants, cooperative agreements, and other transactions and contracts;

(2) ensure that activities under paragraphs (6) and (7) of section 592(a) of this title include investigations of radiation detection equipment in configurations suitable for deployment at seaports, which may include underwater or water surface detection equipment and detection equipment that can be mounted on cranes and straddle cars used to move shipping containers; and

(3) have the authority to establish or contract with 1 or more federally funded research and development centers to provide independent analysis of homeland security issues and carry out other responsibilities under this subchapter.

(Pub. L. 107–296, title XVIII, § 1806, as added Pub. L. 109–347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1935.)

REFERENCES IN TEXT

Section 592(a) of this title, referred to in text, was in the original “section 1802(a)”, and was translated as meaning section 1802(a) of Pub. L. 107–296 as added by Pub. L. 109–347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1932, to reflect the probable intent of Congress.

CODIFICATION

Another section 1806 of Pub. L. 107–296 is classified to section 576 of this title.

**CHAPTER 2—NATIONAL EMERGENCY MANAGEMENT**

Sec.

701. Definitions.

**SUBCHAPTER I—PERSONNEL PROVISIONS**

**PART A—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL**

711. Surge Capacity Force.

**PART B—EMERGENCY MANAGEMENT CAPABILITIES**

- 721. Evacuation preparedness technical assistance.
- 722. Urban Search and Rescue Response System.
- 723. Metropolitan Medical Response Grant Program.
- 724. Logistics.
- 725. Prepositioned equipment program.
- 726. Basic life supporting first aid and education.
- 727. Improvements to information technology systems.
- 728. Disclosure of certain information to law enforcement agencies.

**SUBCHAPTER II—COMPREHENSIVE PREPAREDNESS SYSTEM**

**PART A—NATIONAL PREPAREDNESS SYSTEM**

- 741. Definitions.
- 742. National preparedness.
- 743. National preparedness goal.
- 744. Establishment of national preparedness system.
- 745. National planning scenarios.
- 746. Target capabilities and preparedness priorities.
- 747. Equipment and training standards.
- 748. Training and exercises.
- 749. Comprehensive assessment system.
- 750. Remedial action management program.

- Sec.  
751. Federal response capability inventory.  
752. Reporting requirements.  
753. Federal preparedness.  
754. Use of existing resources.
- PART B—ADDITIONAL PREPAREDNESS
761. Emergency Management Assistance Compact grants.  
762. Emergency Management Performance grants.  
763. Transfer of Noble Training Center.  
764. National exercise simulation center.
- PART C—MISCELLANEOUS AUTHORITIES
771. National Disaster Recovery Strategy.  
772. National Disaster Housing Strategy.  
773. Individuals with disabilities guidelines.  
774. Reunification.  
775. National Emergency Family Registry and Locator System.  
776. Individuals and households pilot program.  
777. Public assistance pilot program.
- PART D—PREVENTION OF FRAUD, WASTE, AND ABUSE
791. Advance contracting.  
792. Limitations on tiering of subcontractors.  
793. Oversight and accountability of Federal disaster expenditures.  
794. Limitation on length of certain noncompetitive contracts.  
795. Fraud, waste, and abuse controls.  
796. Registry of disaster response contractors.  
797. Fraud prevention training program.
- PART E—AUTHORIZATION OF APPROPRIATIONS
811. Authorization of appropriations.

## § 701. Definitions

In this title—<sup>1</sup>

- (1) the term “Administrator” means the Administrator of the Agency;
- (2) the term “Agency” means the Federal Emergency Management Agency;
- (3) the term “appropriate committees of Congress” means—
- (A) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate;
- (4) the term “catastrophic incident” means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;
- (5) the term “Department” means the Department of Homeland Security;
- (6) the terms “emergency” and “major disaster” have the meanings given the terms in section 5122 of title 42;
- (7) the term “emergency management” means the governmental function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism, or other man-made disasters;

(8) the term “emergency response provider” has the meaning given the term in section 101 of this title;

(9) the term “Federal coordinating officer” means a Federal coordinating officer as described in section 5143 of title 42;

(10) the term “individual with a disability” has the meaning given the term in section 12102 of title 42;

(11) the terms “local government” and “State” have the meaning given the terms in section 101 of this title;

(12) the term “National Incident Management System” means a system to enable effective, efficient, and collaborative incident management;

(13) the term “National Response Plan” means the National Response Plan or any successor plan prepared under section 314(a)(6) of this title;

(14) the term “Secretary” means the Secretary of Homeland Security;

(15) the term “surge capacity” means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and

(16) the term “tribal government” means the government of an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.

(Pub. L. 109-295, title VI, §602, Oct. 4, 2006, 120 Stat. 1394.)

### REFERENCES IN TEXT

This title, referred to in text, is title VI of Pub. L. 109-295, Oct. 4, 2006, 120 Stat. 1355, known as the Post-Katrina Emergency Management Reform Act of 2006. For complete classification of title VI to the Code, see Short Title note set out below and Tables.

Section 314(a)(6) of this title, referred to in par. (13), was in the original “section 502(a)(6) of the Homeland Security Act 2002” and was translated as meaning section 502 of Pub. L. 107-296 prior to its redesignation as section 504 by Pub. L. 109-295, §611(8), and not section 506 of Pub. L. 107-296 which was redesignated section 502 by Pub. L. 109-295, §611(9), and is classified to section 312 of this title, to reflect the probable intent of Congress.

### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

### EFFECTIVE DATE

Pub. L. 109-295, title VI, §614, Oct. 4, 2006, 120 Stat. 1411, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this title [see Tables for classification] and the amendments made by this title shall take effect on the date of enactment of this Act [Oct. 4, 2006].

“(b) EXCEPTIONS.—The following shall take effect on March 31, 2007:

“(1) The amendments made by section 611(11) [enacting section 313 of this title].

<sup>1</sup> See References in Text note below.